

TOWN OF ROCKLAND

ARTICLES IN WARRANT AND THE RECOMMENDATIONS OF THE FINANCE COMMITTEE AND THE BOARD OF SELECTMEN

**2009 SPECIAL TOWN MEETING
MAY 4, 2009
7:00 P.M.**

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**2009 ANNUAL TOWN MEETING  
MAY 4, 2009  
7:30 P.M.**

**AT THE  
ROCKLAND HIGH SCHOOL  
*Please bring this booklet  
to Town Meeting***



**RULES AND PROCEDURES FOR THE CONDUCT OF THE MEETING**

**EVERY VOTER** desiring to speak shall arise and address the Chair, after recognition is obtained, state his name and address and stand while speaking, using the microphone in the front, unless otherwise directed. No motion made by anyone will be in order unless this procedure is followed.

**ANY VOTER** has the right to speak for or against any Article. A **NON-VOTER** may speak as long as they have the permission of the Moderator. After you speak on an Article, return to your seat. If you have a question on any Article before the house, address the Chair and I will direct the question to the proper person for an answer.

**THE FINANCE COMMITTEE** recommendation is the first and main motion under each Article and under each Budget. Any attempt by a Department Head or anyone to move another figure would be an amendment to the main motion.

A motion to pass the Article over is the same as defeating the Article.

**IF THE FINANCE COMMITTEE DISAPPROVES AN ARTICLE** it is an automatic motion to **PASS THE ARTICLE OVER** and that will be the first action on the Article.

After the Finance Committee reports on an Article, if they so desire, and the Article is referred to a certain **BOARD, COMMITTEE, or DEPARTMENT HEAD, IT WILL BE THE RULE** that they will be recognized first for their report. **IF I FORGET, REMIND ME.**

**A UNANIMOUS VOTE IS BEST AND SAVES TIME.** If I do not see or hear any objection I will declare it, **“A UNANIMOUS VOTE”.**

If an Article requires a 2/3<sup>rd</sup> or 4/5<sup>th</sup> vote and it is not **UNANIMOUS**, IT IS THE Moderator's responsibility to see that a vote is taken.

**IF A HAND VOTE** is immediately questioned by seven (7) or more voters who stand to question the **VOTE**; it will be counted by the Tellers.

### **ARTICLE III SECTION 10 OF THE TOWN BY-LAWS STATES:**

**NO VOTE SHALL BE CONSIDERED** except after the affirmative vote of two-thirds of the voters present and voting on a motion to reconsider such vote. Any voter may move to reconsider except that no motion to reconsider shall be made by any adjourned session of the same meeting unless he has given notice of his intention to move reconsideration at the session of the meeting at which the vote was passed. A vote shall not be reconsidered a second time or after a motion to reconsider has failed to pass.

### **TOWN BY-LAW ARTICLE II**

**SECTION 4.** All reports, motions, and resolutions submitted for the consideration of the meeting involving the expenditure of money shall be in writing and other reports, motions or resolutions shall be reduced to writing if the Moderator so directs.

### **TOWN CHARTER**

**SECTION 3.06.** All action taken at any and all Town Meetings shall be only upon those items contained in the Warrant for said Town Meeting and all articles in the Warrant shall be acted upon in order unless otherwise voted at any such Town Meeting, and printed copies of each such Warrant, with the recommendations of the Finance Committee is hereinafter set forth, shall be furnished to the voters of the Town in accordance with the provisions of Section 2.02 (a) (iv) Article II of this Charter.

Paul L. Cusick Jr.  
Town Moderator

## **MUNICIPAL FINANCE TERMINOLOGY**

The following terms are frequently used in the Annual Town Warrant and at Town Meetings. In order to provide everyone with a better understanding of the meaning, the following definitions are provided.

### **SURPLUS REVENUE: (often referred to as “Excess and Deficiency”)**

This fund represents the amount by which the Cash, Accounts Receivable and other floating assets exceed the liabilities and reserve. This is a bookkeeping item.

### **AVAILABLE FUND: (often referred to as “Free Cash”)**

Available Funds is the amount certified annually by the State Bureau of Accounts by deducting from surplus revenue all uncollected taxes for prior years. This fund may be used by a vote for the Town Meeting.

### **OVERLAY:**

The overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements granted and avoiding fractions.

### **OVERLAY RESERVE:**

This is the accumulated amount of the Overlay for various years not used or required to be held in the specific Overlay Account for a given year and may be used by a vote of the Town for extraordinary or unforeseen purposes or voted into the Reserve Fund.

### **RESERVE FUND:**

This fund is established by the votes at an Annual Town Meeting only and may be composed of (a) an appropriation (not exceeding 5% of the tax levy of the preceding year), (b) money transferred from Overlay Reserve, or (c) both.

### **STABILIZATION FUND:**

This is a fund created to provide a reserve for capital expenditure. Appropriations from the Stabilization funds may be made at an Annual Town Meeting by a two-thirds vote for any purpose the Town is authorized to borrow money under Section 7 or 8 of Chapter 44 or for such other purpose as is approved by the Emergency Finance Board.

### **CHERRY SHEET:**

Named for the cherry colored paper on which the Massachusetts Commission of Corporations and Taxation traditionally has printed it. The cherry sheet carries the figures that must be used by the Assessors in determining the amount to be raised by taxation.

It lists the amounts of county tax and state assessments, as well as the established tax distributions from the General Fund, reimbursements, agency funds and the Sales and Use Taxes.

**SPECIAL/ANNUAL TOWN MEETING****MAY 4, 2009****LIST OF ARTICLES**

| <b>Article #</b>            | <b>Department</b>       | <b>Subject</b>                               | <b>Cost</b>  |
|-----------------------------|-------------------------|----------------------------------------------|--------------|
| <i>Special Town Meeting</i> |                         |                                              |              |
| #1                          | Board of Assessors      | Transfer from Overlay to Revaluation         | \$ 15,000.00 |
| #2                          | Board of Selectmen      | Request Special Act                          | N/A          |
| #3                          | Board of Selectmen      | Unpaid Bills – K&P and Redland Ins.          | 13,436.92    |
| #4                          | Board of Selectmen      | Transfers to reduce Raise & Appropriate      | 562,096.00   |
| <i>Annual Town Meeting</i>  |                         |                                              |              |
| #1                          | Board of Selectmen      | Town Elections                               | N/A          |
| #2                          | Board of Selectmen      | Fix Salaries                                 | N/A          |
| #3                          | Board of Selectmen      | Budgets                                      | N/A          |
| #4                          | School Committee        | National Grid                                | N/A          |
| #5                          | Town Collector          | Demand fee MGL Chapter 60, Section 15        | N/A          |
| #6                          | Park Department         | Replace fencing -Veteran's Mem. Stadium      | 25,000.00    |
| #7                          | Park Department         | Purchase 1 ton dump truck                    | 38,020.00    |
| #8                          | Park Department         | Purchase topdresser for fields               | 12,480.00    |
| #9                          | Comm. Center Bldg. Com. | Building Maintenance                         | 40,000.00    |
| #10                         | Board of Selectmen      | Elevator – COA                               | 75,000.00    |
| #11                         | Petition                | Transportation/infrastructure Naval Air Base | N/A          |
| #12                         | Petition                | Amend zoning by-laws: Lot 73 Map 51          | N/A          |
| #13                         | Board of Selectmen      | Noncriminal Disposition                      | N/A          |
| #14                         | Petition                | Superannuation                               | N/A          |
| #15                         | Town Accountant         | Revolving Funds                              | N/A          |
| #16                         | Board of Selectmen      | Chapter 90                                   | N/A          |
| #17                         | ZBA, Planning, Energy   | Wind Energy Facilities                       | N/A          |
| #18                         | ZBA, Planning, Energy   | Amend Zoning By-Laws                         | N/A          |
| #19                         | ZBA, Planning, Energy   | Amend Zoning By-Laws                         | N/A          |
| #20                         | ZBA, Planning, Energy   | Amend Zoning By-Laws                         | N/A          |
| #20                         | ZBA & Planning Board    | Amend Zoning By-Laws                         | N/A          |
| #21                         | ZBA & Planning Board    | Amend Zoning By-Laws                         | N/A          |
| #22                         | ZBA & Planning Board    | Amend "Permitted Uses"                       | N/A          |
| #23                         | ZBA & Planning Board    | Amend "Planned Resident/Dev. Seniors         | N/A          |
| #24                         | ZBA & Planning Board    | Amend "Planned Unit Developments"            | N/A          |
| #25                         | ZBA & Planning Board    | Amend "Minimum Required Upland"              | N/A          |
| #26                         | ZBA & Planning Board    | Amend Zoning By-Laws                         | N/A          |
| #27                         | ZBA & Planning Board    | Amend Zoning By-Laws                         | N/A          |
| #28                         | School Committee        | Sell Lincoln School property                 | N/A          |
| #29                         | Petition                | Amend Zoning/Airxchange                      | N/A          |
| #30                         | Sewer Department        | Installation vertical step screen            | 120,000.00   |
| #31                         | Sewer Department        | Inflow & Infiltration/NPDES Permit           | 100,000.00   |
| #32                         | Sewer Department        | Inflow & Infiltration/Sewer Relief Fund      | 15,000.00    |
| #33                         | Sewer Department        | Purchase of influent & effluent pumps        | 60,000.00    |
| #34                         | Sewer Department        | Purchase of pass pump                        | 30,000.00    |
| #35                         | Sewer Department        | Tank maintenance                             | 100,000.00   |
| #36                         | Water Department        | Replacement of water mains (DEP)             | 750,000.00   |
| #37                         | Water Department        | Replacement of water mains (bonds/notes)     | 750,000.00   |
| #38                         | Water Department        | Install meters                               | 200,000.00   |

|     |                                  |                                         |           |
|-----|----------------------------------|-----------------------------------------|-----------|
| #39 | Water Department                 | Annual leak detection survey            | 10,000.00 |
| #40 | Water Department                 | Survey/testing                          | 25,000.00 |
| #41 | Water Department                 | Adopt Water Restriction By-Law          | N/A       |
| #42 | Police Department                | Purchase & Equip 2 cruisers             | 64,000.00 |
| #43 | Police Department                | Final payment lease portable radios     | 10,013.72 |
| #44 | Police Department                | Upgrade CCTV Security System            | 19,878.68 |
| #45 | Police Department                | Proposed By-Law Marijuana               | N/A       |
| #46 | Town Clerk                       | Lease/Purchase voting machines          | 9,500.00  |
| #47 | Board of Selectmen               | Amend Town Charter-Charter Maintenance  | N/A       |
| #48 | Board of Selectmen               | Amend Town Charter-Section 6.04 C       | N/A       |
| #49 | <i>Board of Library Trustees</i> | <i>WITHDRAWN BY PETITIONER</i>          |           |
| #50 | Board of Library Trustees        | Establish a Revolving Account – Library | 10,000.00 |
| #51 | Board of Selectmen               | Add to Stabilization                    | N/A       |

**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF ROCKLAND  
WARRANT  
SPECIAL TOWN MEETING**

To one of the constables in the Town of Rockland, County of Plymouth and the Commonwealth of Massachusetts

**Greetings:**

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the Inhabitants of said Town, qualified to vote in town affairs to meet at the

**Marion Mansfield Donovan Auditorium  
Rockland High School  
52 MacKinlay Way**

in said Town on Monday, **May 4, 2009 at 7:00 P.M.**, then and there to act on the following articles:

**ARTICLE #1**

Will the Town vote to transfer the sum of Fifteen Thousand Dollars (\$15,000.00) from the Overlay Surplus to the Revaluation Account for purposes of funding the F.Y. 2010 Interim Valuation per DOR requirements?

**EMERGENCY: The project needs to begin in May and the funds are needed in an emergency fashion.**

**BOARD OF ASSESSORS**

**Finance Committee Recommendations at Town Meeting.**

**ARTICLE #2**

Will the Town vote to request that the Governor of the Commonwealth file the following special act with the General Court of the Commonwealth, on behalf of the Town of Rockland:

*AN ACT AUTHORIZING THE TOWN OF ROCKLAND  
TO ESTABLISH A SUPPLEMENTARY TAX RATE*

*Be it enacted, etc., as follows:*

*SECTION 1. Notwithstanding any provisions of section Twenty Three of Chapter Fifty Nine of the General Laws or any other law to the contrary, the board of assessors of the town of Rockland, with the approval of the board of selectmen, is hereby authorized to set a supplementary tax assessment in said town, in addition to the previously approved tax assessment, to raise an amount not to exceed \$637,543.51 dollars in order to correct a clerical error for the fiscal year Two Thousand and Nine, and such tax assessment shall be collected in accordance with the provisions of chapter sixty of the General Laws.*

*SECTION 2. This act shall take effect upon its passage.*

Or Take any other action relative thereto?

**EMERGENCY: The Town of Rockland did not raise taxes to the levy limits due to a clerical error and previous Town Meeting had anticipated raising the amount specified.**

**BOARD OF SELECTMEN**

**Finance Committee Recommendations at Town Meeting**

**ARTICLE #3**

Will the Town vote to raise and appropriate, or transfer from available funds, an amount sufficient for payment of the following unpaid bills from a prior year:

| <u>Vendor</u>             | <u>Amount</u> | <u>Department/Account</u> |
|---------------------------|---------------|---------------------------|
| Redland Insurance Company | \$2,969.22    | Liability Insurance       |
| Redland Insurance Company | \$2,745.48    | Liability Insurance       |
| Kopelman and Paige, P.C.  | \$462.22      | Legal Services            |
| Kopelman and Paige, P.C.  | \$7,260.00    | Legal Services            |

Or take any other action relative thereto?

**BOARD OF SELECTMEN**

**EMERGENCY: To pay unpaid bills from previous fiscal year.**

**Finance Committee Recommendations at Town Meeting**

**ARTICLE #4**

Will the Town vote to fund Five Hundred Sixty Two Thousand Ninety Six Dollars (\$562,096.00) of the Health Insurance line item RR, approved at the Annual Town Meeting of May 5, 2008 for \$5,216,576.00 through a transfer of Four Hundred Ninety Eight Thousand Six Hundred Thirty Six Dollars (\$498,636) from Available Free Cash and Sixty Three Thousand Four Hundred Sixty Dollars (\$63,460.00) from Overlay Released by the Assessors thus reducing raise and appropriate by said Five Hundred Sixty Two Thousand Ninety Six Dollars (\$562,096.00), or take any other action relative thereto?

**BOARD OF SELECTMEN**

**EMERGENCY: This is needed to balance the Fiscal Year 2009 budget shortfall created by anticipated revenue by LNR not becoming available due to LNR and Tri-Town having bonding issues in conjunction with the global economic downturn.**

**Finance Committee Recommendations at Town Meeting**

And you are directed to serve this Warrant by posting copies at least fourteen (14) days prior to said meeting in each of the six precincts in said Town.

Hereof, fail not, and make return of this Warrant, with your doing thereon, on the Town Clerk, at the time and place of hold said meeting.

Given under our hand this sixth day of April, in the year of Our Lord, Two Thousand Nine and the Independence of the United States of America, the Two Hundred Thirty Two.

**BOARD OF SELECTMEN**

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**James F. Simpson, Chairman**

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**Lawrence J. Chaffee, Vice-Chairman**

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**Michael E. Zupkofska, Selectmen**

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**Michael P. Johnson, Selectmen**

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**Deborah A. O'Brien, Selectmen**

**RETURN OF SERVICE**

This is to certify that I have this \_\_\_\_\_ day of April 2009, posted this warrant in each of the six precincts in the Town of Rockland.

ATTEST:

CONSTABLE



**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF ROCKLAND  
WARRANT  
ANNUAL TOWN MEETING**

To one of the constables in the Town of Rockland, County of Plymouth and the Commonwealth of Massachusetts.

**Greetings:** In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the Inhabitants of said Town, qualified to vote in town affairs to meet at the

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52 MacKinlay Way**

in said Town on Monday, **May 4, 2009 at 7:30 P.M.**, then and there to act on the following articles:

**ARTICLE #1**

To cast votes in the Annual Town Election for the election of candidates for the following offices:

One Town Clerk for three years  
One Treasurer for three years  
One Town Collector for three years  
One Selectman for three years  
One Assessor for three years  
One Board of Health Member for three years  
One Housing Authority Commissioner for five years  
Two Library Trustees for three years  
One Park Commissioner for three years  
One Planning Board Member for five years  
One Planning Board Member for three years  
One Planning Board Member for one year  
Two School Committee Members for three years  
One Sewer Commissioner for three years  
One Water Commissioner for three years

**BOARD OF SELECTMEN**

**Finance Committee Recommendations at Town Meeting**

**ARTICLE #2**

Will the Town vote to fix the salaries and compensation of all elective officers in the Town in the amounts indicated in the Department Budgets and make such salaries and compensation effective July 1, 2009, in accordance with the provisions of the Massachusetts General Laws, Chapter 41 Section 108, as amended, and to raise and appropriate such sums of money for the ensuing year and that all sums be appropriated for the specific purpose designated; and that the same be expended on for such boards and commissions of the Town as voted, or take any other action relative thereto?

**BOARD OF SELECTMEN**

**Finance Committee Recommendations at Town Meeting**

### **ARTICLE #3**

Will the Town vote to raise an appropriate and or take from available funds as indicated, such sums of money necessary for the ensuing year as detailed in the Department budgets, or take any other action relative thereto?

### **BOARD OF SELECTMEN**

#### **Finance Committee Recommendations at Town Meeting**

## **ARTICLE #4**

Will the Town vote to allow the Board of Selectmen to grant an easement to National Grid that would allow National Grid to construct, reconstruct, repair, replace, maintain, and operate overhead and underground utility systems on the parcel shown as Lot 6 Map 52 of the Town of Rockland Assessors Maps, located at the site of the Jefferson School off Market Street, or take any other action relative thereto?

### **SCHOOL COMMITTEE**

Finance Committee Recommendations at Town Meeting

## **ARTICLE #5**

Will the Town vote that that the Town of Rockland charge for each written demand issued by the Town Collector a fee of \$15.00 (Fifteen Dollars) to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, or take any other action relative thereto?

### **TOWN COLLECTOR**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #6**

Will the Town vote to raise and appropriate or take from available funds the sum of \$13,904.00 Thirteen Thousand Nine Hundred Four Dollars to replace the fencing around the Veterans Memorial Stadium or take any other action relative thereto?

### **PARK DEPARTMENT**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #7**

Will the Town vote to raise and appropriate or take from available funds the sum of \$38,020.00, Thirty-Eight Thousand Twenty Dollars to purchase a 1 ton dump truck or take any other action relative thereto?

### **PARK DEPARTMENT**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #8**

Will the Town Vote to raise and appropriate or take from available funds the sum of \$12,480.00 Twelve Thousand Four Hundred Eighty Dollars to purchase a topdresser for our fields or take any other action relative thereto?

### **PARK DEPARTMENT**

**Finance Committee Recommendation at Town Meeting**

## **ARTICLE #9**

Will the Town vote to raise and appropriate or take from available funds the sum of Forty Thousand Dollars (\$40,000.00) for building maintenance at the McKinley Community Center Building? To help with the rising cost to maintain the building, at this time the building does not receive any money from the Town.

### **ROCKLAND COMMUNITY CENTER BUILDING COMMITTEE**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #10**

Will the Town vote to raise and appropriate, or transfer from available funds, Seventy Five Thousand Dollars (\$75,000.00) to replace and/or repair the elevator at the Rockland Council on Aging, or take any other action relative thereto?

### **BOARD OF SELECTMEN**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #11**

Will the Town vote to direct the Board of Selectmen to seek state and federal funding to support transportation and infrastructure improvements between Union Street and the commercial and residential redevelopment at the former South Weymouth Naval Air Station.

### **PETITION**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #12**

To see if the Town will vote to amend the current zoning district of the Town of Rockland by removing references to the R-2 zone as shown on the current Town Zoning Map for the parcel shown as Lot 73 on the Town Assessor's Map 51 and replacing the same with the reference of B-2 or take any other action relative thereto?

Purpose: The purpose of said zoning change is to extend the B-2 zoning to include the above referenced Map and Lot (aka 7 Market Street). Property is currently split zoned R-2 & B-2.

### **PETITION**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #13**

Will the Town vote to adopt the following General Town Bylaw for Non-Criminal disposition of the Town's General Bylaws or Zoning Bylaws:

### **FINES**

Section 1 Non-Criminal Disposition. – Pursuant to the civil infraction procedures set forth in Chapter 40, Sec. 21D of the General Laws, the non-criminal disposition of the following violations is hereby authorized:

Any violation of any town general or zoning bylaw

Section 2 Schedule of Civil Assessments – The civil assessment for any violation shall be the amount(s) set forth in the law, bylaw, order or regulation being enforced, or, if no amount is set forth, the assessment shall be \$300.00.

Section 3 Governing Law – This bylaw is intended to comply fully with the provisions of Sections 21D of Chapter 40 of the General Laws, and to authorize the non-criminal disposition of the infraction set forth above pursuant to the civil infraction procedure set forth therein, the provisions of which shall be controlling in all instances in any case in which the enforcement officer elects to proceed with the non-criminal disposition of an alleged violation of any bylaw.

Section 4 Enforcement – In addition to police officers, who shall in all cases be considered enforcing persons for the purpose of this provision, the municipal personnel charged with enforcing a particular bylaw or regulation, if any, shall also be enforcing persons for such bylaw or regulation. Each day during which a violation exists shall be deemed to be a separate offense.

Or take any other action relative thereto?

## **BOARD OF SELECTMEN**

### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #14**

Will the Town vote to grant an increase allowance to all former employees retired under Chapter 32, Section 90C of the General Laws on account of superannuation who served the Town for a period of not less than twenty-five years, equal to one-half of the rate of regular compensation payable to employees of the Town holding similar positions as of this date, or take any other action relative thereto?

## **PETITION**

### **Finance Committee Recommendation at Town Meeting**

## ARTICLE #15

Will the Town vote to authorize revolving funds for Fiscal 2009, pursuant to M.G.L. Chapter 44, Section 53 E as amended for the following purposes:

| <u>Department</u>  | <u>Receipt Type</u>  | <u>Use of Fund</u>       | <u>Spending Limit</u> |
|--------------------|----------------------|--------------------------|-----------------------|
| Community Center   | Building Usage Fees  | Building Operations      | \$175,000             |
| School Committee   | Transportation Fees  | Student Transportation   | 100,000               |
| Board of Health    | Recycling Fees       | Recycle Center Operation | 75,000                |
| Youth Commission   | Program Fees         | Youth Activities         | 160,000               |
| Fire Department    | Permit Fees          | Townwide Alarm System    | 50,000                |
| Police Department  | Red Light Violations | Cruiser Maintenance      | 75,000                |
| Rent Control Board | Rent Control Fees    | Legal Fees               | 15,000                |
| Town Clerk         | Passport Photo Fees  | Passport Related Costs   | 5,000                 |
| Police Dept        | Cruiser Details Fees | Cruiser Maintenance      | 50,000                |

Or take any other action relative thereto?

## TOWN ACCOUNTANT

### Finance Committee Recommendation at Town Meeting

## ARTICLE #16

Will the Town vote to accept \$ distributed in accordance with the apportionment of FY09, Local Transportation Aid, the annual State Highway Funds commonly known as Chapter 90 or take any other action relative thereto?

## BOARD OF SELECTMEN

### Finance Committee Recommendation at Town Meeting

## ARTICLE #17

Will the Town vote to amend Section V of the Rockland Zoning By-Laws to add the following:

### O. Wind Energy Facilities

#### 1.0 Purpose

The purpose of this section is to provide by Special Permit for the construction and operation of wind energy facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of wind energy facilities that address public safety, minimize impacts on scenic, natural and historic resources of the town and provide adequate financial assurance for removal of unused facilities.

#### 1.1 Applicability

This section applies to all wind energy facilities proposed to be constructed after the effective date of this section. Any physical modification to existing wind energy facilities that materially alters the type or increases the size of such facilities or other equipment shall require a special permit.

## 2.0 Definitions

**Height:** The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

**Large Wind Energy Facility:** A wind energy facility with a rated nameplate capacity of 60Kw or greater.

**Rated Nameplate Capacity:** The maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a “nameplate” on the equipment.

**Small Wind Energy Facility:** A wind energy facility with a rated nameplate capacity of less than 60Kw.

**Special Permit Granting Authority:** The Special Permit granting authority shall be the Zoning Board of Appeals.

**Substantial Evidence:** Such evidence as a reasonable mind might accept as adequate to support a conclusion.

**Wind Energy Facility:** All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

**Wind Monitoring or Meteorological (“MET”) Tower:** A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

**Wind turbine:** A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

## 3.0 General Requirements

### 3.1 Special Permits for Wind Energy Facilities

- (a) No wind energy facility shall be erected, constructed, installed or modified as provided in this section without first obtaining a Special Permit from the Zoning Board of Appeals. The construction of a Large Wind Energy Facility shall be permitted in the R-1, I-2, I-3, and I-4 zoning districts subject to the issuance of a Special Permit and provided that the use complies with all requirements set forth in sections 3, 4, 5 and 6. The construction of a Small Wind Energy Facility shall be permitted in any zoning district subject to the issuance of a Special Permit and provided that the use complies with all requirements set forth in sections 3, 4, 5 and 6.
- b. All wind energy facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. No Special Permit shall be granted unless the Zoning Board of Appeals finds in writing that:
  - (i) The specific site is an appropriate location for such use;
  - (ii) The use is not expected to adversely affect the neighborhood;

- (iii) There is not expected to be any serious hazard to pedestrians or vehicles from the use;
- (iv) No nuisance is expected to be created by the use; and,
- (v) Adequate and appropriate facilities will be provided for the proper operation of the use.

Such Special Permits may also impose reasonable conditions, safeguards and limitations on time and use and may require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind facility, should they occur.

- c. Wind monitoring or meteorological towers shall be permitted for no more than eighteen (18) months in any zoning district, subject to the issuance of a building permit. MET towers shall be set back a distance equal to two (2) times the height of the tower from the nearest property line. MET towers shall be fenced in order to prevent unauthorized access. The Zoning Board of Appeals may reduce the setback requirement by Special Permit, based on site-specific considerations.

### **3.2 Compliance with Laws, By-laws, and Regulations**

The construction and operation of all such proposed wind energy facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

### **3.3 Proof of Liability Insurance**

The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and structures occasioned by the failure of the facility.

### **3.4 Site Control**

At the time of its application for a Special Permit, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads. Control shall include the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

## **4.0 General Siting Standards**

### **4.1 Height**

Wind energy facilities shall be no higher than three hundred fifty (350) feet above the preconstruction grade of the land, provided that wind energy facilities may exceed three hundred fifty (350) feet in height if all of the following criteria are met:

- (a) The applicant demonstrates by substantial evidence that such height reflects industry standards for a similarly sited wind energy facility;
- (b) Such excess height is necessary to ensure technical and economic feasibility of the wind energy facility; and,
- (c) The facility satisfies all other criteria for the granting of a Special Permit under the provisions of this section.



## **4.2 Setbacks**

Large Wind Energy Facilities shall be set back a distance equal to two (2) times the overall blade tip height of the wind turbine from the nearest property line. Small Wind Energy Facilities shall be set back a distance equal to the overall blade tip height of the wind turbine from the nearest property line. The Zoning Board of Appeals may reduce the minimum setback distance as appropriate based on site-specific considerations, if the project satisfies all other criteria for the granting of a Special Permit under the provisions of this section.

## **4.3 Parking**

There shall be a minimum of one parking space per tower, to be used in connection with the maintenance of the facility and the site, and not to be used for the permanent storage of vehicles. The parking space shall measure nine (9) by twenty (20) feet.

## **5.0 Design Standards**

### **5.1 Color and Finish**

The Zoning Board of Appeals shall have discretion over the turbine color. A neutral, non-reflective exterior color designed to blend with the surrounding environment is encouraged.

### **5.2 Lighting**

Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind energy facility, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

### **5.3 Signage**

Signs on the wind energy facility shall comply with the requirements of the town's sign regulations, and shall be limited to:

- (a) Signs necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger. Such signs shall be installed on the fence that surrounds the base of the wind energy facility.
- (b) Educational signs providing information about the facility and the benefits of renewable energy.

There shall be no signage on the wind turbine. Wind turbines shall not be used for displaying of any advertising.

### **5.4 Utility Connections**

To the extent technically feasible, and subject to any requirements of the utility provider, all utility connections from the wind energy facility shall be located underground.. Electrical transformers for utility interconnections may be above ground if required by the utility provider and shall meet all local and state codes.

### **5.5 Accessory Structures**

All accessory structures to such wind energy facilities, including but not limited to equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with

each other and shall be contained within the turbine tower whenever technically and economically feasible. Structures shall only be used for housing of equipment for this particular site. Whenever reasonable, structures should be shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.

## **5.6 Support Towers**

Wind energy facilities shall use a monopole tower for support.

## **6.0 Safety, Aesthetic and Environmental Standards**

### **6.1 Emergency Response**

The applicant shall provide a copy of the project summary and site plan to the Rockland Police and Fire Departments. Upon request the applicant shall cooperate with local emergency services in developing an emergency response plan. The applicant or facility owner shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

### **6.2 Unauthorized Access**

Wind turbines and other structures that are part of a wind energy facility shall be designed as to prevent unauthorized access.

### **6.3 Shadow/Flicker**

Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses through either siting or mitigation.

### **6.4 Noise**

The wind energy facility and associated equipment shall conform to the provisions of the Department of Environmental Protection's Division of Air Quality Noise Regulations (310 CMR 7.10). A source of sound will be considered to be violating these regulations if the source:

- (a) Increases the broadband sound level by more than 10 Db(A) above ambient, or
- (b) Produces a "pure tone" condition – when an octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more.

These criteria are to be measured at all property lines. Ambient is defined as the background A-weighted sound level that is exceeded ninety (90) percent of the time measured during equipment operation. An analysis prepared by a qualified engineer shall be presented to demonstrate compliance with these noise standards.

### **6.5 Land Clearing**

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the wind energy facility.

## **7.0 Monitoring and Maintenance**

The applicant shall maintain the wind energy facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Rockland Fire and Police Departments. The project owner shall be responsible for the cost of maintaining the wind energy facility and any access road, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction. The Zoning Enforcement Officer may require annual certification by a Professional Registered Engineer of the facility's structural integrity and maintenance record.

## **8.0 Removal of Wind Energy Facilities**

### **8.1 Removal Requirements**

The owner of a wind energy facility shall inform the Zoning Enforcement Officer annually, in writing, whether the facility remains in use. Any wind energy facility which has not been used for one (1) year or more shall be dismantled and removed in its entirety (including accessory facilities and structures) at the owner's expense. Removal shall consist of:

- (a) Physical removal of all wind turbines, structures, equipment, security barriers and transmission lines from the site;
- (b) Disposal of all solid and hazardous waste in accordance with local and state waste disposal regulations; and,
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Zoning Enforcement Officer may allow the owner to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

### **8.2 Financial Security**

The owner of a wind energy facility shall file and maintain in effect a bond (or other security satisfactory to the Town), ensuring that sufficient funds will be available to remove the facility in the event of non-use, as provided herein. Said bond shall be from a company authorized to do business in Massachusetts and shall be subject to the approval of the Town. The bond shall be a condition of the Special Permit and shall be filed prior to the issuance of the building permit. Such security will not be required for municipally or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for Cost of Living Adjustment.

## **9.0 Term of Special Permit**

A Special Permit issued for a wind energy facility shall be valid for twenty five (25) years, unless extended or renewed. The time period may be extended or the permit renewed by the Zoning Board of Appeals upon satisfactory operation of the facility. Request for renewal must be submitted at least one hundred eighty (180) days prior to expiration of the Special Permit. Submitting a renewal request shall allow for continued operation of the facility until the Zoning Board of Appeals acts. At the end of that period (including extensions and renewals), the wind energy facility shall be removed as required by this section.

## **10.0 Application Process & Requirements**

## **10.1 General**

The applicant shall provide the Zoning Board of Appeals with fifteen (15) copies of the application. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts. Included in the application shall be:

- (a) Name, address, phone number and signature of the applicant, as well as all co-applicants or property owners, if any;
- (b) The name, contact information and signature of any agents representing the applicant;
- (c) Documentation of the legal right to use the wind facility site, including the requirements set forth in 3.4 of this section.
- (d) Twelve (12) consecutive months of data from the MET tower that is located at the proposed site.

## **10.2 Siting and Design**

The applicant shall provide the Zoning Board of Appeals with a description of the property which shall include:

- (a) A copy of a portion of the most recent USGS Quadrangle Map, at a scale of 1:25,000, showing the proposed facility site, including turbine sites, and the area within at least two (2) miles from the facility. Zoning district designation for the subject parcel shall be included;
- (b) A locus plan of the proposed wind energy facility site at a scale of one (1) inch equals two hundred (200) feet, which shall show contour intervals of no more than ten (10) feet, property lines for the site parcel and adjacent parcels within three hundred (300) feet, and the exact location of the proposed facility;
- (c) A site plan of the proposed wind energy facility site at a scale of one (1) inch equals forty (40) feet, which shall show the following:
  - (i) Property lines for the site parcel and adjacent parcels within three hundred (300) feet;
  - (ii) Location and current usage of all existing buildings on the site parcel and all adjacent parcels within five hundred (500) feet, including distances from the wind energy facility to each building shown;
  - (iii) Location of all public and private roads on the site parcel and adjacent parcels within three hundred (300) feet, and proposed roads or driveways, either temporary or permanent;
  - (iv) Existing areas of tree cover, including average height of trees, on the site parcel and adjacent parcels within three hundred (300) feet;
  - (v) Proposed location and design of the wind energy facility, including all turbines, ground equipment, accessory structures, transmission infrastructure, access, fencing, and exterior lighting.

## **10.3 Technical Documentation**

The applicant shall submit to the Zoning Board of Appeals the following technical documentation regarding the proposed wind energy facility:

- (a) Wind energy facility technical specifications, including manufacturer and model, rotor diameter, tower height/type, foundation type/dimensions;

- (b) Blueprints or drawings for the tower and the tower foundation, signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts;
- (c) Electrical schematic.

#### **10.4 Visualizations**

The applicant shall arrange for a balloon or crane test at the proposed site to illustrate the overall height of the proposed facility within thirty (30) days of filing the application with the Town Clerk. The date, time, and location of such test shall be advertised and notice provided to abutters in accordance with Chapter 40A, Section 11.

The Zoning Board of Appeals shall select between three (3) and six (6) sight lines with a view of the wind facility, including from the nearest building, for pre- and post-construction view representations. Sites for the view representations shall be selected from populated areas or public ways within a two (2) mile radius of the wind facility. View representations shall have the following characteristics:

- (a) View representations shall be in color and shall include actual pre-construction photographs and accurate post-construction simulations of the height and breadth of the wind energy facility (e.g. superimpositions of the wind energy facility onto photographs of existing views);
- (b) All view representations will include existing and proposed buildings or tree coverage;
- (c) View representations shall include a description of the technical procedures followed in producing the visualization (distances, angles, lens, etc.).

#### **10.5 Landscape Plan**

A plan shall be submitted indicating all proposed changes to the landscape of the site, including temporary or permanent roads or driveways, grading, vegetation clearing and planting, exterior lighting other than FAA lights, screening vegetation or structures. Lighting shall be designed to minimize glare on abutting properties and, except as required by the FAA, be directed downward with full cut-off fixtures to reduce light pollution.

#### **10.6 Operation & Maintenance Plan**

The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the wind facility.

#### **10.7 Compliance Documents**

The applicant shall provide with the application:

- (a) A description of financial surety that satisfies 8.2 of this section;
- (b) Proof of liability insurance that satisfies 3.3 of this section;
- (c) Certification of height approval from the FAA;
- (d) A statement that satisfies 6.3 of this section, listing existing and maximum projected noise levels from the wind energy facility.

#### **10.8 Independent Consultants**

Upon submission of an application for a Special Permit, the Zoning Board of Appeals will be authorized to hire outside consultants, pursuant to section 53G of chapter 44 of the Massachusetts

General Laws. The applicant is required to make an initial deposit of \$5,000.00 for peer review and shall pay all costs associated with such review including but not limited to engineering and legal review.

Or take any other action relative thereto?

## **ZONING BOARD, PLANNING BOARD & ENERGY COMMITTEE**

### **Finance Committee Recommendation at Town Meeting**

#### **ARTICLE #18**

Will the Town vote to amend Section II “Definitions” of the Rockland Zoning By-Laws to add the following:

#### **Wind Energy Facility**

All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

Or take any other action relative thereto?

## **ZONING BOARD, PLANNING BOARD AND ENERGY COMMITTEE**

### **Finance Committee Recommendation at Town Meeting**

#### **ARTICLE #19**

Will the Town vote to amend Section IV “Permitted Uses” of the Rockland Zoning By-Laws to add:

“Wind Energy Facilities 60 Kw or more” to the list of “Uses Requiring Special Permit” to be the next consecutive number for each of the following districts: R-1, I-2, I-3, I-4.

Or take any other action relative thereto?

## **ZONING BOARD, PLANNING BOARD AND ENERGY COMMITTEE**

### **Finance Committee Recommendation at Town Meeting**

#### **ARTICLE #20**

Will the Town vote to amend Section IV “Permitted Uses” of the Rockland Zoning By-Laws to add:

“Wind Energy Facilities less than 60 Kw” to the list of “Uses Requiring Special Permit” to be the next consecutive number for each zoning district.

Or take any other action relative thereto?

## **ZONING BOARD, PLANNING BOARD AND ENERGY COMMITTEE**

### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #21**

Will the Town vote to amend Section V. A. 2. b. "Yard Regulations" "Side Yard of Corner Lot" of the Rockland Zoning By-Law by deleting the word and number "ten (10)" and replacing with the word and number "fifteen (15)"

Or take any other action relative thereto?

### **ZONING BOARD OF APPEALS AND PLANNING BOARD**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #22**

Will the Town vote to amend Section IV "Permitted Uses" Uses Requiring a Special Permit in the RSH – 1 Zone, Use #2 by adding the word "in accordance with Section V.N. of this By-law" after the word "age" and before the asterisk

Or take any other action relative thereto?

### **ZONING BOARD OF APPEALS AND PLANNING BOARD**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #23**

Will the Town vote to amend Section V.N.3.b "Planned Residential Development for Seniors" by deleting "five (5)" and replace with "ten (10)"

Or take any other action relative thereto?

### **ZONING BOARD OF APPEALS AND PLANNING BOARD**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #24**

Will the Town vote to amend Section V.H.1.b. "Planned Unit Developments" by deleting "twenty (20)" and replace with "ten (10)"

Or take any other action relative thereto?

### **ZONING BOARD OF APPEALS AND PLANNING BOARD**

#### **Finance Committee Recommendation at Town Meeting**

## ARTICLE #25

Will the Town vote to delete Section V.B.7 “Minimum Required Upland” and replace with:

7. Minimum Required Upland

Lots in any District must contain a minimum of 22,000 square feet of contiguous land that is not an area protected under M.G.L. Chapter 131 Section 40 (the Wetlands Protection Act), not including riverfront areas.

Retreat Lots must contain a minimum of 32,670 square feet of contiguous land that is not an area protected under M.G.L. Chapter 131 Section 40 (the Wetlands Protection Act), not including riverfront areas.

Or take any other action relative thereto?

## ZONING BOARD OF APPEALS AND PLANNING BOARD

### Finance Committee Recommendation at Town Meeting

## ARTICLE #26

To see if the Town will vote to amend the following sections of the Zoning Bylaw:

- (a) Section IV, “Permitted Uses”, “I-1 Limited Industrial Zoning District”:  
Under “Uses Requiring Special Permit,” Paragraph No. 12, delete:  
**“Conversion and/or renovation pursuant to this section shall only be allowed by special permit from the Planning Board.”**
- (b) Section VII, “Enforcement”, Section B: “Special Permits”:  
In Section VII-B-6-I, (d), (f), (g), and (i), change **“Planning Board”** to **“Zoning Board of Appeals”**.

Or take any other action relative thereto?

## ZONING BOARD OF APPEALS AND PLANNING BOARD

### Finance Committee Recommendation at Town Meeting

## ARTICLE #27

Will the Town vote to amend Section VII. C “Zoning Variances” to the Rockland Zoning By-Law by adding the following provisions:

### C. ZONING VARIANCES

1. The Board of Appeals shall have the power after public hearing to grant a variance from the dimensional regulations of the applicable zoning By-law, in conformance with the criteria established in Chapter 40A Section 10.
2. The Board of Appeals shall also have the power after public hearing to grant variances for uses not otherwise permitted or permissible in the Zoning district in which the land is located, in conformance with the criteria established in Chapter 40A Section 10, provided that the Zoning Board makes specific findings with respect to the following additional criteria:



That there is something unique about the land or structures in terms of historical significance, character of the neighborhood, existing uses on neighboring parcels; or that there is a need in the neighborhood, or the Town in general for the proposed use; and that the proposed use will be in harmony with existing uses in the neighborhood in general; and that the proposed use will meet the Performance Standards of Section VI of this By-law; and that the site is adequate for the proposed use in terms of size; impact on traffic flow and safety; methods of sewer disposal, source of water and drainage; utilities and other public services; and that the proposed use will not have an adverse impact on the ground and surface water quality or any other environmental or natural resource.

3. The Board may impose conditions, safeguards and limitations on time and/or use regarding any variances granted under any provision of Section V.C.
4. Applicants seeking a use variance must submit to the Zoning Board along with their application all plans and documents required for site plan approval pursuant to Section V.I. of this By-law.
5. If the rights authorized by a variance granted under this Section V.C. are not exercised within one (1) year of the date of grant of such variance, such rights shall lapse; provided, however, that if the grantee submits a written request to the Board of Appeals for an extension prior to the expiration of the one (1) year period, the Board of Appeals in its discretion may extend the time for exercise of such rights for a period not to exceed six (6) months. The Board shall consider the request at a regularly scheduled meeting.

Or take any other action relative thereto?

## **ZONING BOARD OF APPEALS & PLANNING BOARD**

### **Finance Committee Recommendation at Town Meeting**

#### **ARTICLE #28**

Will the Town vote to authorize the School Committee to sell, by competitive bid process, the Lincoln School property, located on 1.67 acres of land on Church Street, Assessors Map 40, Lot 137-0-E, including all buildings situated thereon, with the proceeds of said sale being placed in the School Building Capital Trust Fund, pursuant to Chapter 113 of the Acts of 2008, or take any other action relative thereto?

## **SCHOOL COMMITTEE**

### **Finance Committee Recommendation at Town Meeting**

#### **ARTICLE #29**

To see if the Town will vote to amend the zoning map and ordinance to increase the industrial, I-2, zone by moving the existing zone line as described below under “DESCRIPTION OF LAND IN ROCKLAND PROPOSED TO BE RE-ZONED”, to the new location identified on the described “accompanying plan”, to allow for additional industrial development and parking.

Area to be rezoned is Lot 5 on the Rockland Assessor’s Map 10.

## **DESCRIPTION OF LAND IN ROCKLAND PROPOSED TO BE RE-ZONED**

Beginning at a point in the Rockland/Norwell Town Line, said point being 128.+/-feet southeasterly from the southerly side of Longwater Drive, at the northeasterly corner of land of Thomas D. VanEtta, Trustee of the Pont Street Trust;

Thence running southeasterly in the said Town Line by land of the aforementioned Trustee, 267.+/-feet to a point;

Thence turning and running southwesterly in the line of land of the Trustee, 411.+/-feet to a point;

Thence turning and running northwesterly in the line of land of the Trustee, 269.+/-feet to a point in the line of land of Airxchange, Inc.;

Thence turning and running northeasterly in the line of land of Airxchange, Inc., 477.+/-feet to the point of beginning at the Rockland/Norwell Town Line, and containing 2.7+-acres, as shown on the accompanying plan entitled 'COMPILED SITE PLAN FOR PROPOSED ZONING CHANGE' PREPARED FOR Airxchange, 85 Longwater Drive, Rockland, Massachusetts by Wait Land Use Consultants, LTD and Atlantic Design Engineers, LLC and dated March 2, 2009.

#### **ARTICLE #30**

Will the Town vote to authorize the Sewer Commissioners to take from the Sewer Department Unrestricted Fund Balance Account the sum of One Hundred Twenty Thousand Dollars (\$120,000) for the installation of a new vertical step screen at the Wastewater Treatment Plant, or take any action relative thereto?

#### **SEWER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

#### **ARTICLE #31**

Will the Town vote to authorize the Sewer Commissioners to take from the Sewer Department Development Fund Account the sum of One Hundred Thousand Dollars (\$100,000) to be expended by the Sewer Commission as part of the Town's ongoing program to identify and remove sources of inflow and infiltration as required under the terms of the NPDES Permit issued to the Town by the United States EPA and Massachusetts DEP or take any action relative thereto?

#### **SEWER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

#### **ARTICLE #32**

Will the Town vote to Appropriate from the Sewer Relief Fund the sum of Fifteen Thousand Dollars (\$15,000) be expended by the Sewer Commission as part of the Town's ongoing program to identify and remove sources of inflow and infiltration as required under the terms of the NPDES Permit issued to the Town by the United States EPA and Massachusetts DEP or take any action relative thereto?

#### **SEWER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

### **ARTICLE #33**

Will the Town vote to authorize the Sewer Commissioners to take from the Sewer Department Unrestricted Fund Balance Account the sum of Sixty Thousand Dollars (\$60,000) for the purchase of influent and effluent pumps as part of facility/pump replacement program or take any other action relative thereto?

#### **SEWER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

### **ARTICLE #34**

Will the Town vote to authorize the Sewer Commissioners to take from the Sewer Department Unrestricted Fund Balance Account the sum of Thirty Thousand Dollars (\$30,000) for the purchase of a 6 inch by pass pump to be used during high flow events or take any other action relative thereto?

#### **SEWER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

### **ARTICLE #35**

Will the Town vote to authorize the Sewer Commissioners to take from the Sewer Department Unrestricted Fund Balance Account the sum of One Hundred Thousand Dollars (\$100,000) for required tank maintenance at the Wastewater Treatment Plant, or take any other action relative thereto?

#### **SEWER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

### **ARTICLE #36**

Will the Town vote to appropriate Seventy Five Thousand (\$750,000.00) for the purpose of financing the replacement of water mains, including without limitation all cost incidental and related thereto and all costs therefore as defined in Section 1 of Chapter 29C of the General Laws: that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$750,000.00 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29c General Laws; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for any financing thereof; and that the Board of Water Commissioners or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

#### **WATER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #37**

Will the Town vote to appropriate Seventy Five Thousand Dollars (\$750,000.00) for the purpose of financing the replacement of water mains, including without limitation all costs incidental and related thereto and all costs therefore as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$750,000.00 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29c General Laws and to take any other action necessary to carry out the project.

### **WATER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #38**

Will the Town vote to authorize the Water Commissioners to take from the Water Undesignated Fund Balance the sum of Two Hundred Thousand Dollars (\$200,000.00) to provide and install meters, or take any other action relative thereto?

### **WATER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #39**

Will the Town vote to authorize the Water Commissioners to take from the Water Undesignated Fund Balance the sum of Ten Thousand Dollars (\$10,000.00) for the purpose of continuing the annual leak detection survey, or take any other action relative thereto?

### **WATER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #40**

Will the Town vote to authorize the Water Commissioners to take from the Water Undesignated Fund Balance the sum of Twenty Five Thousand Dollars (\$25,000.00) for the purpose of continuing the survey and testing in accordance with the Commonwealth of Massachusetts Drinking Water Regulations governing cross connections to our water system (310 CMR 22.22) or take any other action relative thereto?

### **WATER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #41**

Will the Town vote to adopt the Water Restriction By-Law for the purpose of protecting the public health and welfare, or take any other action relative thereto?

### **WATER RESTRICTION BY-LAW**

#### **Section 1      Authority**

This By-Law is adopted by the Town under its police powers to protect public health and welfare and its powers under M.G.L. c.40, ss21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c.40, s41A, conditioned upon a declaration of a "Water Supply Emergency" issued by the Department of Environmental Protection.

#### **Section 2      Purpose**

The purpose of this By-Law is to protect and preserve the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or a State of Water Supply Emergency, by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town or by the Department of Environmental Protection. This By-Law is also intended to protect and preserve the public health, safety and welfare, by restricting and prohibiting unauthorized water use and/or unregistered water use by water users.

#### **Section 3      Definitions**

"Persons" shall mean any individual, corporation, trust, partnership, association, or other entity which uses or is serviced by the Town's public water system.

"State of Water Supply Emergency" shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c21G, s15-17.

"State of Water Conservation" shall mean a State of Water Conservation declared by the Town pursuant to section 4 of this By-Law.

"Unauthorized Water Use" shall mean all activations of water services, fire hydrant (excluding Fire Department personnel during Fire Emergencies), or other segments of the public water system by any person not authorized by the Water Department.

"Unregistered Water Use" shall mean any water utilized or taken from the public water system without a means of calculating actual consumption.

"Water Users" or "Water Consumers" shall mean any public or private users of the Town's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular residence or facility.

#### **Section 4 Declaration of a State of Water Supply Conservation**

The Town through its Board of Water Commissioners may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board, at a public meeting, that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply and adequate water pressure to all water customers. Upon notification to the public that a State of Water Supply Conservation has been declared, no person shall violate any provisions, restrictions, or requirements intended to bring about an end to the State of Water Supply Conservation.

#### **Section 5 Restricted Water Uses**

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the public water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 7.

##### **Step One – Odd/Even Day Outdoor Watering Restrictions**

All outdoor water uses by water users with odd numbered addresses is restricted to odd numbered calendar days. All outdoor water uses by water users with even numbered addresses is restricted to even numbered calendar days.

##### **Step Two – Hand Held Hoses Only**

All outdoor water uses are restricted to hand held hoses only. The Odd/Even Day Outdoor Watering Restrictions shall also be observed.

##### **Step Three – Outdoor Watering Hours**

All outdoor water uses are restricted to hand held hoses only between the hours of 7:00a.m. and 8:00a.m. or between 8:00p.m. and 9:00p.m.. The Odd/Even Day Outdoor Watering Restrictions shall also be observed.

##### **Step Four – Outdoor Watering Ban**

All outdoor water use is prohibited for all uses.

#### **Section 6 State of Water Supply Emergency: Compliance with DEP Orders**

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

#### **Section 7 Public Notification of a State of Water Supply Conservation and/or Emergency**

Notification of any provisions, restrictions, requirements or conditions imposed by the Town as part of a State of Water Supply Conservation, or by the Department of Environmental Protection as part of a State of Water

Supply Emergency, shall be given by the publication of at least one display advertisement in a newspaper of general circulation within the Town, by the posting of removable signs where any state highway crosses the town line, and by such other means reasonably calculated to reach and inform all water users of the declaration of a State of Water Supply Conservation and/or Emergency. Any restrictions imposed shall not be effective until such notification is provided. Notification of the declaration of a State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection in writing by the Board of Water Commissioners.

## **Section 8      Termination of a State of Water Supply Conservation and/or Emergency**

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners, at a public meeting, upon a determination that the water supply shortage no longer exists. A State of Water Supply Emergency shall be terminated by the Department of Environmental Protection upon a determination that the emergency no longer exists. Public notification of the termination of a State of Water Supply Conservation and/or Emergency shall be given by the publication of at least one display advertisement in a newspaper of general circulation within the Town, by the removal of all erected Water Supply Conservation and/or Emergency signs, and by such other means reasonably calculated to reach and inform all water users of the termination of the State of Water Supply Conservation and/or Emergency.

## **Section 9      Unauthorized Water Usage**

No person, water user, or water consumer shall activate, or cause to be activated, any water main and/or appurtenances to the public water system without prior authorization of the Water Department.

## **Section 10      Unrestricted Water Usage**

No person, water user, or water consumer shall activate, or cause to be activated, any water main and/or appurtenances to the public water system without first having a Water Department approved metering device installed to calculate the amount of water utilized. No person, water user, or water consumer shall remove and/or alter any metering device.

## **Section 11      Penalties**

Any Person found to have violated Section 5 and/or Section 6 of this By-Law will receive a written warning for the first offense and shall be liable to the Town in the amount of \$100.00 for each subsequent offense within the same calendar year. Any person found to have violated Section 9 of this bylaw shall be liable to the Town in the amount of \$300.00 for each offense. Any person found to have violated Section 10 of this By-Law shall be liable to the Town in the amount of up to \$300.00 for each offense. All fines shall inure to the Town for such uses as the Board of Water Commissioners may direct. Fines shall be levied and assessed by employees of the Water Department and/or the authorized agents of the Board of Water Commissioners upon witnessing any violation, or after investigating and verifying that a violation in fact occurred.

Violators shall be entitled to appeal the assessment of any fines with the Board of Water Commissioners, and said appeal shall be held at a public meeting of the Board. Fines shall be recovered by indictment, or on complaint before the District Court, or by non-criminal disposition in accordance with M.G.L. c.40 s21D. Each day on which a violation of Section 5 and/or Section 6 occurred shall constitute a separate offense.

## **Section 12 Severability**

The invalidity of any portion or provision of this By-Law shall not invalidate any other portion or provision hereof.

### **WATER DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

##### **ARTICLE #42**

Will the Town vote to Raise and Appropriate or take from available funds, the sum of (\$64,000.00) Sixty Four Thousand Dollars to purchase and equip (2) Police Cruisers, or take any action relative thereto?

### **POLICE DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

##### **ARTICLE #43**

Will the Town Vote to Raise and Appropriate or take from available funds, the sum of (\$10,013.72) Ten Thousand Thirteen Dollars and Seventy Two cents, to pay the final payment of a three year lease to purchase new portable radios for the Police Department or take any other action thereto?

### **POLICE DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**

##### **ARTICLE #44**

Will the Town vote to Raise and Appropriate or take from available funds, the sum of (\$19,878.68) Nineteen Thousand Eight Hundred Seventy Eight Dollars and Sixty Eight cents to upgrade the CCTV Security System at the Police Station or take any other action relative thereto?

**REASON:** *The existing security system broke down during this past year. Repair was made and components were replaced to return the system to a functional state. These funds will provide a system that will allow expansion of CCTV systems that can include the fuel farm at the Highway Department and eventual connections with the Rockland School System.*

### **POLICE DEPARTMENT**

#### **Finance Committee Recommendation at Town Meeting**



## **ARTICLE #45**

### **PROPOSED BY – LAW**

#### **PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL**

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in G.L. c. 94C, § 1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to G.L. c.40 § 21 or by noncriminal disposition pursuant to G.L. c. 40, § 21D, by their duly authorized agents, or any police officer. The fine for violation of this by-law shall be three hundred dollars (\$300) for each offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under G.L. c. 94C, § 32L.

#### **POLICE DEPARTMENT**

##### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #46**

Will the Town vote to raise and appropriate or take from available funds the sum of Nine Thousand Five Hundred Dollars (\$9,500.00) for the fourth year of a five year lease/purchase agreement for six voting machines or take any other action relative thereto?

#### **TOWN CLERK**

##### **Finance Committee Recommendation at Town Meeting**

## **ARTICLE #47**

Will the Town of Rockland vote to amend Section 2.02, Paragraph G, line K of the current Town Charter to read as follows or take any other action relative thereto?

#### **Section 2.02 G, Line K**

Seven (7) members of a Charter/By-law Study and Review Committee for seven (7) years, whose terms are to be staggered in such a manner that one member of the committee is up each year. At the discretion of the Board of Selectmen, a member of the Finance Committee may be appointed to serve. The purpose of this committee will be to review and make recommendations for updates to the Town Charter and By-laws on an annual basis. Said proposals are to be presented at either Town Meeting or the Annual Town Election.

#### **BOARD OF SELECTMEN**

##### **Finance Committee Recommendations at Town Meeting**

## **ARTICLE #48**

Will the Town of Rockland vote to amend Section 6.04, Paragraph C, of the current Town Charter to read as follows or take any other action relative thereto?

### **Section 6.04 C**

No person shall serve as a member of the Finance Committee who holds any paid Town position by reason of election or appointment. However, a member or members of the Finance Committee may serve on special committees established by vote of Town Meeting if such vote requires that a member or members of the Finance Committee be named to said special committee. Any member of the Finance Committee who shall become a candidate for elected office in the Town shall ipso facto be disqualified from continuing to serve as a member of the Finance Committee.

## **BOARD OF SELECTMEN**

### **Finance Committee Recommendations at Town Meeting**

#### **ARTICLE #49 WITHDRAWN BY PETITIONER**

*Will the Town raise and appropriate, or take from available funds, the sum of \$430,000.00 (Four Hundred Thirty Dollars) in order to meet the statutory (MGL c. 78 §19A and §19B) and regulatory (605 CMR 4.00) requirements for the minimum standards of public library service, and to remain certified to receive State Aid to Public Libraries funding for FY 2010, or take any action relative thereto?*

## **BOARD OF LIBRARY TRUSTEES**

## **ARTICLE #50**

Will the Town vote to establish a Revolving Account in accordance with the provisions of MGL c 44, § 53E ½ not to exceed Ten Thousand Dollars (\$10,000.00) in FY 2010 for the fines and fees collected at the Library Department and authorize the Library Trustees to expend from this account for the purchase of books and related materials, or take any action relative thereto?

## **BOARD OF LIBRARY TRUSTEES**

### **Finance Committee Recommendations at Town Meeting**

## **ARTICLE #51**

Will the Town vote to appropriate from taxation, transfer or from available funds a sum of money to the stabilization fund, or to act in any manner relative thereto?

## **BOARD OF SELECTMEN**

### **Finance Committee Recommendation at Town Meeting**

And you are directed to serve this warrant by posting copies at least seven (7) days prior to said meeting in each of the six precincts in said Town.

Hereof, fail not, and make return of this Warrant, with your doings thereon, on the Town Clerk, at the time and place of holding said meeting.

Given under our hand this sixth day of April, in the year of Our Lord, Two Thousand Nine and the Independence of the United States of America, the Two Hundred Thirty Two.

**BOARD OF SELECTMEN**

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**James F. Simpson, Chairman**

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**Lawrence J. Chaffee, Vice-Chairman**

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**Michael E. Zupkofska, Selectmen**

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**Michael P. Johnson, Selectmen**

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**Deborah A. O'Brien, Selectmen**

**RETURN OF SERVICE**

This is to certify that I have this \_\_\_\_\_ day of April 2009, posted this warrant in each of the six precincts in the Town of Rockland.

ATTEST:

CONSTABLE